

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEYWANIE S. B.,

Plaintiff,

V.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CASE NO. 2:23-CV-1627-DWC

ORDER GRANTING MOTION TO
DISMISS

Before the Court is Defendant's Motion to Dismiss. Dkt. 14. Plaintiff filed a Complaint requesting the Court increase her supplemental security income ("SSI") payments from \$914.00 per month to \$1,888.00 per month in 2024. Dkt. 13. After consideration of the relevant record, the Court finds Plaintiff has not stated a cognizable claim. Therefore, the Motion to Dismiss (Dkt. 14) is granted and this case is dismissed with prejudice.

I. Legal Standard

Pursuant to Federal Rule of Civil Procedure 12(b)(6), a party may move to dismiss a complaint on the grounds it “fails to state a claim upon which relief can be granted.” To state a

1 claim for which relief may be granted, a complaint must contain “enough facts to state a claim to
 2 relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

3 **II. Factual and Procedural History**

4 Plaintiff initiated this action on October 16, 2023. Dkt. 1. On November 15, 2023, the
 5 Court granted Plaintiff *in forma pauperis* status and her Complaint was docketed in the case. *See*
 6 Dkts. 11, 13. As stated above, in the Complaint, Plaintiff requests only that the Social Security
 7 Administration be ordered to increase her monthly SSI payments from \$914.00 per month to
 8 \$1,888.00 per month for 2024. Dkt. 13. It appears she would like the increase in payments to
 9 attempt to open a business. *Id.* at 2. Plaintiff does not assert the Social Security Administration’s
 10 final decision was unsupported by substantial evidence or based on legal error. *Id.* In fact,
 11 Plaintiff writes that there was no error with the Commissioner’s decision; she merely is
 12 requesting an increase in her payments for the year of 2024. *See id.*

13 On January 10, 2024, Defendant filed the pending Motion to Dismiss. Dkt. 14. Defendant
 14 asserts Plaintiff has failed to state a cognizable claim because she is receiving the maximum
 15 amount allowed by statute for SSI benefits. *Id.* Plaintiff did not file a response to the Motion to
 16 Dismiss.

17 **III. Discussion**

18 Federal law sets the maximum monthly payment amount available for SSI benefits. *See*
 19 42 U.S.C. § 1382(b)(1). In 2023, the maximum federal SSI payment was \$914.00 per month.
 20 Dkt. 14-1, Brugess Dec., ¶ 6. Plaintiff received the maximum SSI payments -- \$914 per month --
 21 in 2023. *Id.*; *see also* Dkt. 13 (Complaint stating Plaintiff received \$914 in 2023). The maximum
 22 SSI payment for 2024 has been increased to \$943.00. Dkt. 14-1, Brugess Dec., ¶ 7. “Assuming

1 her circumstances do not change," Plaintiff will receive federal SSI payments of \$943 per month
2 in 2024. *Id.*

3 The record reflects Plaintiff is receiving the maximum SSI payment allowed under
4 Federal law. Plaintiff has not shown, nor does the Court find, legal authority to grant Plaintiff
5 SSI payments above the statutorily allowed amount. Therefore, the Court finds Plaintiff has not
6 stated a cognizable federal claim and Plaintiff's claim must be dismissed.

7 **IV. Conclusion**

8 For the above stated reasons, the Motion to Dismiss (Dkt. 14) is granted and this case is
9 dismissed with prejudice.

10 Dated this 11th day of March, 2024.

11 
12 David W. Christel
13 United States Magistrate Judge